

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 36230/PCT		Date of mailing (day/month/year) See form PCT/ISA/210
FOR FURTHER ACTION See paragraph 2 below		
International application No. PCT/FR2005/000636	International filing date (day/month/year) 16.03.2005	Priority date (day/month/year) 16.03.2004
International Patent Classification (IPC) or both national classification and IPC H04N7/24, H04L9/00, H04N7/167		
Applicant MEDIALIVE		

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input checked="" type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-15

YES

Claims

NO

Inventive step (IS)

Claims

YES

Claims 1-15

NO

Industrial applicability (IA)

Claims 1-15

YES

Claims

NO

2. Citations and explanations:

Reference is made to the following documents:

D1: FR-A-2 843 517 (MEDIALIVE) 13 February 2004

D2: WO 03/007608 A (GILBERT MARTYN; AMINO HOLDINGS
LTD (GB)) 23 January 2003

The word "modelling(s)" (claim 1 first and last steps) is not clear (PCT Article 6), it has been interpreted as "algorithm(s) for generating sequences of pseudo-random values from known parameters".

The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claim 1 does not involve an inventive step as defined in PCT Article 33(3).

Document D1, which is regarded as the prior art closest to the subject matter of claim 1, describes (the references between parentheses apply to this document) a method for securing the distribution of audiovisual sequences (see box 121 in figure 2) by separating an original stream into a first stream (the main modified stream) of format identical to the original and into a second stream (the complementary information) making it

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possible to at least partially reconstruct the original stream from the first stream.

Therefore, the subject matter of claim 1 differs from this known method in that pseudo-random sequences are used to determine the parts of the original stream to be "extracted" to obtain the modified main stream and in that the parameters for generating the pseudo-random values are placed in the complementary information whereas D1 is silent as to how to choose the parts of the original stream to be "extracted" (see page 25 line 30).

The problem that the present invention is intended to solve can thus be considered to be the choice of the parts of the original stream to be "extracted".

The solution proposed in claim 1 of the present application is not regarded as inventive (PCT Article 33(3)) for the following reasons:

To implement the method of D1 the person skilled in the art must choose the parts of the original stream to be "extracted". The security of the method is an important aspect, it is therefore unthinkable to simply take one macroblock out of two.

It is known to use sequences of pseudo-random values to select data to be encrypted in a stream (see D2 claims 1-2). The person skilled in the art will apply this principle to D1.

It is obvious that in order for the decryption to be achievable, the "seeds" having served for the generation of the pseudo-random sequences must be transmitted to the

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destination equipment. It therefore remains to solve the problem of the transport of these "seeds". The storing of these "seeds" in the complementary information is merely one of a plurality of immediate options that a person skilled in the art seeking to solve the stated problem might select, depending on each particular case, and without an inventive step being involved.

Dependent claims 2-15 do not appear to contain any additional features which, in combination with the features of any one of the claims to which they refer, meet the requirements of the PCT in respect of inventive step.